

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al., <i>Plaintiffs,</i> v. GREGORY W. ABBOTT, et al., <i>Defendants.</i>	5:21-cv-0844-XR
OCA-GREATER HOUSTON, et al., <i>Plaintiffs,</i> v. JOSE A. ESPARZA, et al., <i>Defendants.</i>	1:21-cv-0780-XR
HOUSTON JUSTICE, et al., <i>Plaintiffs,</i> v. GREGORY WAYNE ABBOTT, et al., <i>Defendants.</i>	5:21-cv-0848-XR
LULAC TEXAS, et al., <i>Plaintiffs,</i> v. JOSE EXPARZA, et al., <i>Defendants.</i>	1:21-cv-0786-XR
MI FAMILIA VOTA, et al., <i>Plaintiffs,</i> v. GREG ABBOTT, et al., <i>Defendants.</i>	5:21-cv-0920-XR

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND MOTION TO DISMISS
BRIEFING DEADLINES**

On September 30, 2021, the matters of *La Unión Del Pueblo Entero, et al., v. Gregory W. Abbott, et al.* (Case No. 5:21-cv-0844-XR), *OCA-Greater Houston, et al., v. Jose A. Esparza, et al.* (Case No. 1:21-cv-0780-XR), *Houston Justice, et al., v. Gregory Wayne Abbott, et al.* (Case No. 5:21-cv-0848-XR), *LULAC Texas, et al., v. Jose Esparza, et al.* (Case No. 1:21-cv-0786-XR), and *Mi Familia Vota, et al., v. Greg Abbott, et al.* (Case No. 5:21-cv-0920-XR) were consolidated under lead case *La Unión Del Pueblo Entero, et al., v. Gregory W. Abbot, et al.* (Case No. 5:21-cv-0844-XR). *See* Dkt. 31 (Order to Consolidate). Plaintiffs in each of the aforementioned cases (collectively, “Plaintiffs”) request that this Court modify the briefing schedule for Plaintiffs and Defendants to respond in opposition to, and reply in support of, numerous Motions to Dismiss filed in each of the consolidated cases.

The Order to Consolidate set a unified deadline for all Defendants to file an answer to the respective Complaints “on or before October 25, 2021.” *Id.* at 2. On October 24, 2021, Defendants Gregory W. Abbott, Jose A. Esparza, and Warren K. Paxton (collectively, the “State Defendants”) filed a Motion to Dismiss, or in the Alternative Strike, the Complaint of La Unión Del Pueblo Entero. Dkt. 53. On October 25, 2021, the State Defendants filed Motions to Dismiss each of the Complaints in the other four consolidated cases. Dkt. 54 (Motion to Dismiss *LULAC Texas* Complaint); Dkt. 55 (Motion to Dismiss *OCA-Greater Houston* Complaint); Dkt. 64 (Motion to Dismiss *Houston Justice* Complaint); Dkt. 67 (Motion to Dismiss *Mi Familia Vota* Complaint). Additionally, on October 25, 2021, Defendant Lupe Torres, in his official capacity as the Medina County Elections Administrator (a named Defendant in only the lead case, *La Unión Del Pueblo Entero, et al., v. Gregory W. Abbot, et al.*, No. 5:21-cv-0844-XR), filed a Motion to Dismiss the

La Unión Del Pueblo Entero Complaint. Dkt. 68. Pursuant to Local Rule CV-7(D)(2), Plaintiffs' responses to each such Motion to Dismiss currently are due on November 8, 2021.¹

Counsel for Plaintiffs, the State Defendants, and Defendant Torres have conferred and agreed to extend each party's upcoming briefing deadline in the following manner:

- November 18, 2021: Deadline for all Responses in Opposition to Defendants' Motions to Dismiss
- December 3, 2021: Deadline for all Replies in Further Support of Motions to Dismiss

This request is for good cause and is not presented for purposes of delay. The additional time is necessary to allow Plaintiffs to fully respond to the arguments raised in each Motion to Dismiss, as well as to confer and coordinate with numerous Plaintiffs in each matter. Similarly, the additional time for Defendants is necessary to allow the Defendants to respond fully to the arguments raised in each Opposition, as well as to allow the State Defendants to simultaneously prepare replies to Plaintiffs' Opposition briefs filed in each of the five (5) consolidated matters.

Plaintiffs and Defendants have conferred regarding the proposed scheduling changes and do not oppose any of the relief sought herein.

A proposed order is attached.

Respectfully submitted November 4, 2021.

REED SMITH LLP & NAACP LEGAL
DEFENSE & EDUCATIONAL FUND, INC.,
THE ARC OF THE UNITED STATES, INC.

/s/ Uzoma N. Nkwonta
Uzoma N. Nkwonta*
Kathryn E. Yukevich*
Joseph N. Posimato*

/s/ Kenneth E. Broughton
Kenneth E. Broughton
Texas Bar No. 03087250
kbroughton@reedsmith.com

¹ Because fourteen (14) days after the filing of the Motion to Dismiss the *La Unión Del Pueblo Entero* Complaint falls on Sunday, November 7, 2021, the true deadline is November 8, 2021. *See* Fed. R. Civ. P. 6(a)(1)(C).

Meaghan E. Mixon*
Graham W. White*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
unkwonta@elias.law
kyukevich@elias.law
jposimato@elias.law
mmixon@elias.law
gwhite@elias.law

Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0179
jhawley@elias.law

John R. Hardin
Texas State Bar No. 24012784
PERKINS COIE LLP
500 North Akard Street, Suite 3300
Dallas, Texas 75201-3347
Telephone: (214) 965-7700
Facsimile: (214) 965-7799
johnhardin@perkinscoie.com

*Counsel for Plaintiffs LULAC Texas; Voto
Latino; Texas Alliance for Retired
Americans; and Texas AFT*

/s/ Nina Perales
Nina Perales (Tex. Bar No. 24005046)
Julia R. Longoria (Tex. Bar No. 24070166)
**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND**
110 Broadway, Suite 300
San Antonio, TX 78205
Telephone: (210) 224-5476
Facsimile: (210) 224-5382
nperales@maldef.org
jlongoria@maldef.org

Lora Spencer
Texas Bar No. 24085597
lspencer@reedsmith.com

J. Keely Dulaney*
Texas Bar No. 24116306
kdulaney@reedsmith.com

REED SMITH LLP
811 Main Street, Suite 1700
Houston, TX 77002-6110
Telephone: (713) 469-3800
Facsimile: (713) 469-3899

Sarah M. Cummings
Texas Bar No. 24094609
REED SMITH LLP
2850 N. Harwood Street, Suite 1500
Dallas, TX 75201
Telephone: (469) 680-4200
Facsimile: (469) 680-4299
scummings@reedsmith.com

Kathryn Sadasivan*
**NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.**
40 Rector Street, 5th Floor
New York, NY 10006
Phone: (212) 965-2200
Fax: (212) 226-7592
ksadasivan@naacpldf.org

Jennifer A. Holmes*
Georgina Yeomans*
**NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.**
700 14th Street NW, 6th Floor
Washington, DC 20005
Telephone: (202) 682-1300
Facsimile: (202) 682-1312
jholmes@naacpldf.org
gyeomans@naacpldf.org

Shira Wakschlag*

Michael C. Keats*

Rebecca L. Martin*

Breanna Williams***

Jonathan Bash***

**FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP**

One New York Plaza

New York, New York 10004

Telephone: (212) 859-8000

Facsimile: (212) 859-4000

michael.keats@friedfrank.com

rebecca.martin@friedfrank.com

breanna.williams@friedfrank.com

jonathan.bash@friedfrank.com

Christopher Bell*

**FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP**

801 17th Street, NW

Washington, DC 20006

Telephone: (202) 639-7000

Facsimile: (202) 639-7003

christopher.bell@friedfrank.com

*Attorneys for Plaintiffs La Unión Del Pueblo
Entero; Southwest Voter Registration
Education Project; Mexican American Bar
Association of Texas; Texas Hispanics
Organized for Political Education; Jolt
Action; William C. Velasquez Institute; Fiel
Houston Inc.*

/s/ Sean Morales-Doyle

Sean Morales-Doyle (NY Bar No. 5646641)

Eliza Sweren-Becker* (NY Bar No. 5424403)

Patrick A. Berry* (NY Bar No. 5723135)

Andrew B. Garber* (NY Bar No. 5684147)

Jasleen K. Singh* (Cal. Bar No. 316596)

**BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW**

120 Broadway, Suite 1750

New York, NY 10271

Telephone: (646) 292-8310

Facsimile: (212) 463-7308

sean.morales-doyle@nyu.edu

eliza.sweren-becker@nyu.edu

patrick.berry@nyu.edu

**THE ARC OF THE UNITED STATES,
INC.**

1825 K Street, NW, Suite 1200

Washington, DC 20006

Telephone: (202) 534-3708

Facsimile: (202) 534-3731

Wakschlag@thearc.org

*Counsel for Plaintiffs Houston Justice;
Houston Area Urban League; Delta Sigma
Theta Sorority, Inc.; The Arc of Texas; and
Jeffrey Lamar Clemmons*

Mimi M.D. Marziani

Texas Bar No. 24091906

Ryan V. Cox

Texas Bar No. 24074087

Hani Mirza

Texas Bar No. 24083512

TEXAS CIVIL RIGHTS PROJECT

1405 Montopolis Drive

Austin, TX 78741

512-474-5073 (Telephone)

512-474-0726 (Facsimile)

mimi@texascivilrightsproject.org

ryan@texascivilrightsproject.org

hani@texascivilrightsproject.org

Thomas Buser-Clancy

Texas Bar No. 24078344

Savannah Kumar

Texas Bar No. 24120098

Ashley Harris

Texas Bar No. 24123238

Andre Segura

Texas Bar No. 24107112

ACLU FOUNDATION OF TEXAS, INC.

5225 Katy Freeway, Suite 350

Houston, TX 77007

Telephone: (713) 942-8146

Fax: (915) 642-6752

tbuser-clancy@aclutx.org

skumar@aclutx.org

aharris@aclutx.org

andrew.garber@nyu.edu
jasleen.singh@nyu.edu

Paul R. Genender (Tex. Bar No. 00790758)
Elizabeth Y. Ryan (Tex. Bar No. 24067758)
Matthew Berde* (Tex. Bar No. 24094379)
Megan Cloud** (Tex. Bar No. 24116207)
WEIL, GOTSHAL & MANGES LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Telephone: (214) 746-8158
Facsimile: (214) 746-7777
Paul.Genender@weil.com
Liz.Ryan@weil.com
Matt.Berde@weil.com
Megan.Cloud@weil.com

Alexander P. Cohen* (Tex. Bar No.
24109739)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8020
Facsimile: (212) 310-8007
Alexander.Cohen@weil.com

*Attorneys for Plaintiffs Friendship-West
Baptist Church; Anti-Defamation League
Austin, Southwest, And Texoma Regions;
Texas Impact; Isabel Longoria; James Lewin*

/s/ Christian D. Menefee
Christian D. Menefee (Tex. Bar No.
24088049)
HARRIS COUNTY ATTORNEY
Christian.Menefee@cao.hctx.net
Jonathan Fombonne (Tex. Bar No. 24102702)
First Assistant Harris County Attorney
Jonathan.Fombonne@cao.hctx.net
Tiffany Bingham** (Tex. Bar No. 24012287)
Managing Counsel
Tiffany.Bingham@cao.hctx.net
Sameer S. Birring (Tex. Bar No. 24087169)
Assistant County Attorney
Sameer.Birring@cao.hctx.net

asegura@aclutx.org

Adriel I. Cepeda Derieux
Ari J. Savitzky**
Sophia Lin Lakin
Samantha Osaki
**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**
125 Broad St., 18th Floor
New York, NY 10004
(212) 284-7334
acepedaderieux@aclu.org
asavitzky@aclu.org
slakin@aclu.org
sosaki@aclu.org

Susan Mizner
**AMERICAN CIVIL LIBERTIES UNION
FOUNDATION**
39 Drumm St.
San Francisco, CA 94111
(415) 343-0781 (phone)
smizner@aclu.org

LIA SIFUENTES DAVIS
Texas State Bar No. 24071411
LUCIA ROMANO
Texas State Bar No. 24033013
DISABILITY RIGHTS TEXAS
2222 West Braker Lane
Austin, Texas 78758-1024
(512) 454-4816 (phone)
(512) 454-3999 (fax)
ldavis@drtx.org
lromano@drtx.org

Jerry Vattamala
Susana Lorenzo-Giguere
Patrick Stegemoeller**
**ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND**
99 Hudson Street, 12th Floor
New York, NY 10013
(212) 966-5932 (phone)
(212) 966 4303 (fax)
jvattamala@aaldef.org

Radiah Rondon** (DC Bar No. 499779)
Assistant County Attorney
Radiah.Rondon@cao.hctx.net
Christina M. Beeler (Tex. Bar No. 24096124)
Assistant County Attorney
Christina.Beeler@cao.hctx.net
Susannah Mitcham** (Tex. Bar No.
24107219)
Assistant County Attorney
Susannah.Mitcham@cao.hctx.net
OFFICE OF THE HARRIS COUNTY
ATTORNEY
1019 Congress Plaza, 15th Floor
Houston, Texas 77002
Telephone: (713) 274-5101
Facsimile: (713) 755-8924

Attorneys for Plaintiff Isabel Longoria

slorenzo-giguere@aaldef.org
pstegemoeller@aaldef.org

Jessica Ring Amunson
Urja Mittal
JENNER & BLOCK LLP
1099 New York Ave. NW, Suite 900
Washington, DC 20001
(202) 639-6000
jamunson@jenner.com
umittal@jenner.com

*Counsel for Plaintiffs OCA-Greater Houston;
League of Women Voters of Texas; REVUP-
Texas; Texas Organizing Project; and
Workers Defense Action Fund*

LYONS & LYONS, P.C.
237 W. Travis Street, Suite 100
San Antonio, Texas 78205

By: /s/ Marc T. Rasich
Sean Lyons
State Bar No. 00792280
Sean@lyonsandlyons.com
Clem Lyons
State Bar No. 12742000
Clem@lyonsandlyons.com

Wendy J. Olson (Pro hac vice)
Laura E. Rosenbaum (Pro hac vice)
Marc Rasich (Pro hac vice)
Elijah Watkins (Pro hac vice)
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

Courtney Hostetler (Pro hac vice)
Ron Fein (Pro hac vice)
John Bonifaz (Pro hac vice)
Ben Clements (Pro hac vice)
FREE SPEECH FOR PEOPLE
1320 Centre Street, Suite 405
Newton, MA 02459

chostetler@freespeechforpeople.org
rfein@freespeechforpeople.org
jbonifaz@freespeechforpeople.org
bclements@freespeechforpeople.org

*Counsel for Plaintiffs Mi Familia Vota;
Maria Lopez; Marlon Lopez; and Paul
Rutledge*

* Admitted *pro hac vice*

** Application for admission pending

***Not licensed by the bar of any jurisdiction

CERTIFICATE OF CONFERENCE

I certify that on October 29, 2021, counsel for Plaintiffs e-mailed with counsel for the State Defendants and Defendant Torres, who stated that they did not oppose Plaintiffs' request to extend the Motion to Dismiss briefing deadlines for Plaintiffs and Defendants.

/s/ Kenneth E. Broughton
Kenneth E. Broughton

CERTIFICATE OF SERVICE

I certify that the above document was served via email on the Court's CM/ECF system to all counsel of record on November 4, 2020.

/s/ Kenneth E. Broughton
Kenneth E. Broughton